

# Order

Michigan Supreme Court  
Lansing, Michigan

September 19, 2008

Clifford W. Taylor,  
Chief Justice

135597

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

RAQUEL ROBELIN, Conservator, for  
TEIJA McCALL,  
Plaintiff-Appellee,

v

SC: 135597  
COA: 279780  
Kent CC: 04-010444-NH

SPECTRUM HEALTH HOSPITALS, d/b/a  
SPECTRUM HEALTH-EAST CAMPUS,  
JOHN HARTMANN, M.D., and ADVANTAGE  
HEALTH PHYSICIANS, P.C.,  
Defendants-Appellants.

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On order of the Court, the application for leave to appeal the November 27, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals, for consideration, as on leave granted, of whether the trial court abused its discretion when it denied the defendants' motion to strike the testimony of Ronald Gabriel, M.D. In particular, we direct the Court of Appeals to consider whether Dr. Gabriel's proposed testimony meets the criteria of MCL 600.2955 and MRE 702. See *Craig v Oakwood Hospital*, 471 Mich 67 (2004), and *Gilbert v DaimlerChrysler Corp*, 470 Mich 749 (2004).

We do not retain jurisdiction.

KELLY, J., would deny leave to appeal.



0916

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 19, 2008

*Corbin R. Davis*

Clerk